

## REMARKS

Claims 10-15 are pending (new claims 14 and 15 being added by this amendment).

In the aforesaid Office Action, the Examiner rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Wang et al. (WO98/03218) in view of Anderson et al. (U.S. Patent No. 5,500,180), stating, in part, that Wang et al. teaches radially expanding tubing at a first elevated temperature to form the balloon at a first diameter, and then annealing the balloon at a second elevated temperature, suitably above 50°C, and the tubing material may be a block copolymer, and Wang et al. does not teach of two elevated heating steps after the annealing process but Anderson et al. teaches a method of making balloon catheters using block copolymers radially expanded at a first temperature of about 90-100°C, and a second heating step would preferably be conducted at a temperature range higher than the first, and it would have been obvious to modify the method of Wang et al. to include the steps of two additional elevated heating steps of the extruded tube as taught by Anderson et al.

However, the references, alone or in combination, do not disclose or suggest annealing the extruded tube, as opposed to the radially expanded tube formed from the extruded tube, at not less than about 50°C, to form a noncompliant balloon as required by Applicant's claim 10. Rather, as set forth by the Examiner, Wang et al. discloses that the tube is first radially expanded to form the balloon and then the balloon (i.e., the radially expanded tube) is annealed. Wang et al. does not disclose or suggest annealing the tube itself (i.e., prior to expanding the tube). In accordance with the teaching of Wang et al., the balloon is annealed in order to radially shrink the balloon to a smaller expanded outer

diameter. Similarly, Anderson et al. discloses heat setting the already formed balloon and does not disclose or suggest annealing the tube itself.

Moreover, Wang et al. and Anderson et al. are explicitly directed to forming compliant balloons (i.e., with a high compliance), and do not disclose or suggest a method which results in a noncompliant balloon as required by Applicant's claim 10.

Applicants have added new claims 14 and 15, support for which can be found in paragraphs [0047] and [0048], and in paragraph [0042] (defining the terminology "blow up ratio").

The drawings were objected to for failing to indicate lines 8-8 and 9-9 on Fig. 7 as described in the specification. Applicants have amended Fig. 7 to add the line reference number for line 8 and the line 9-9.

Applicant respectfully requests reconsideration, and issuance of a timely Notice of Allowance. The Commissioner is hereby authorized, however, to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 06-2425.

Respectfully submitted,

FULWIDER PATTON LLP

By: /Gunther O. Hanke/  
Gunther O. Hanke  
Registration No. 32,989